

JUN 24 2005

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\*\*CONNECTICUT BAR**FACSIMILE TRANSMITTAL SHEET**DATE: June 24, 2005NUMBER OF PAGES, INCLUDING COVER: 6

TO:

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P/4043-153

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Aurelio Orjales Venero, et al.

Date: June 24, 2005

Serial No.: 10/511,822

Group Art Unit: 1614

Filed: March 23, 2005

Examiner: ---

For: POLYMORPH OF 4-[2-[1-(2-ETHOXYETHYL)-1H-BENZIDIMAZOLE-2-YL]-1-PIPERIDINYL]ETHYL]- $\alpha$ -DIMETHYL-BENZENOACETIC ACID

---

**VIA FACSIMILE - 703-746-9195**

Commissioner for Patents  
Office of Initial Patent Examination's  
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P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR A CORRECTED FILING RECEIPT**

Sir:

Please issue a corrected filing receipt for the above application. The original filing receipt includes the following error:

The title of the invention is incorrect. The correct title is as follows:

**Polymorph of 4-[2-[1[(2-ethoxyethyl)-1H-benzidimazole-2-yl]-1-piperidinyl]ethyl]- $\alpha$ -dimethyl-benzoacetic acid**

A copy of the original transmittal form setting forth the correct title is enclosed. A red-lined copy of the filing receipt reflecting the error is also enclosed.

It is requested that the U.S. Patent and Trademark Office issue a corrected filing receipt at the earliest possible date.

In the event payment of any fee is inadvertently not enclosed, or if any additional fee during the prosecution of this case is not paid, the Patent and Trademark Office is authorized to charge the underpayment to Deposit Account No. 15-0700

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents Office of Initial Patent Examination's Filing Receipt Corrections, Fax Number 703-746-9195 on June 24, 2005:

Mark A. Farley

Name of applicant, assignee or  
Registered Representative

*Mark A. Farley*

Signature

June 24, 2005

Date of Signature

Respectfully submitted,

*Mark A. Farley*

Mark A. Farley

Registration No.: 33,170

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FORM PTO-1390 (REV. 01-2003)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTORNEY'S DOCKET NUMBER P/4043-153
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371			U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/ES02/00194	INTERNATIONAL FILING DATE 19 April 2002	PRIORITY DATE CLAIMED 19 April 2002	
TITLE OF INVENTION Polymorph of 4-[2-[1(2-ethoxyethyl)-1H-benzimidazole-2-yl]-1-piperidinyl]-aa-dimethyl-benzoacetic acid			
APPLICANT(S) FOR DO/EO/US Aurelio ORJALES VENERO et al.			

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

**COPY**

- ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☒ The US has been elected (Article 31).
- ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - ☐ is attached hereto (required only if not communicated by the International Bureau).
  - ☒ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
  - ☒ is attached hereto.
  - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - ☐ are attached hereto (required only if not communicated by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☒ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☒ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A preliminary amendment.
- ☒ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☐ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance
- ☐ A second copy of the published international application under
- ☐ A second copy of the English language translation of the interna
- ☒ Other items or information:  
3 sheets of drawings.  
Post card. Print EFS form.

**EXPRESS MAIL CERTIFICATE**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label EV 342535733US) in an envelope addressed to: Mail Stop: Box PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 19, 2004

DOROTHY JENKINS  
Name of Person Mailing Correspondence  
*Dorothy Jenkins*  
Signature  
October 19, 2004  
Date of Signature

PTO-1390 (Rev. 07-2004)

Approved for use through 3/31/2007. OMB 0851-0021

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/ES02/ 00194		ATTORNEY'S DOCKET NUMBER P/4043-153	
21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO..... \$1110.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$950.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$790.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$750.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = \$ 1110.00				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	18 - 20 =	0	x \$18.00	\$	
Independent claims	1 - 3 =	0	x \$88.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$300.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 1110.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$ 555.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				\$ 555.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	
TOTAL FEES ENCLOSED =				\$ 555.00	
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a. <input checked="" type="checkbox"/> A check in the amount of \$ 555.00 to cover the above fees is enclosed. Check No. 18427					
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NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
OSTROLENK, FABER, GERB & SOFFEN, LLP 1180 Avenue of the Americas New York, NY 10036-8403 Tel: (212) 382 0700					
				SIGNATURE Mark A. Farley NAME 33,170 REGISTRATION NUMBER	

FORM PTO-1390 (REV. 7-2004)

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL. NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/511,822	03/23/2005	1614	720	P/4043-153	3	24	1

CONFIRMATION NO. 6533

2352

OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

## FILING RECEIPT



\*OC000000016219883\*

Date Mailed: 06/09/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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Power of Attorney: The patent practitioners associated with Customer Number 2352.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/ES02/00194 04/19/2002

## Foreign Applications

If Required, Foreign Filing License Granted: 06/07/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/511,822**

Projected Publication Date: 09/15/2005

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

Polymorph of ~~4-(2-~~Y~~-(1-(2-ethoxyethyl)-1H-benzimidazole-2-yl)-1-piperidinyl)ethyl]-2,2-dimethyl-benzeneacetic acid~~  
~~(a) dimethyl-benzeneacetic~~  
 benzimidazole *YI* ← Please note, this is the letter "I"  
 dimethyl-benzeneacetic acid *α α*

Preliminary Class

514

**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

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